



## Public Safety Wireless Network

*Saving Lives and Property Through Improved Interoperability*

May 24, 2002

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
12th St. Lobby, TW-A325  
Washington, DC 20554

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MAY 24 2002

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**Re: Comments on *Petition for Rulemaking to Request Amendment of the Commission's Rules to Promote Interoperability and Efficient Use of Allotted Spectrum for Public Safety Agencies and Other Measures to Address Communications Needs Through the Year 2010*, RM-10432**

Dear Ms. Dortch:

On behalf of the Public Safety Wireless Network (PSWN) Program and pursuant to Section 1.405 of the Commission's Rules, 47 C.F.R. § 1.405 (2001), enclosed herewith for filing are an original and four (4) copies of the PSWN Program's Comments in the above-referenced proceeding.

Kindly date-stamp and return the additional, marked copy of this cover letter and filing to the person delivering it.

Should you require any additional information, please contact the undersigned.

Respectfully submitted,

Brigadier General Paul H. Wieck II  
Iowa Army National Guard  
Chair, PSWN Executive Committee  
Spectrum Working Group

Steven Proctor  
Executive Director,  
Utah Communications Agency Network  
Executive Vice-Chair,  
PSWN Executive Committee

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Before the  
Federal Communications Commission  
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
)  
Petition for Rulemaking to )  
Request Amendment of the Commission's )  
Rules to Promote Interoperability and Efficient )  
Use of Allotted Spectrum for Public Safety )  
Agencies and Other Measures to Address )  
Communications Needs Through the Year 2010 )

RM-10432

**COMMENTS TO PETITION FOR RULEMAKING BY THE FEDERAL LAW**  
**ENFORCEMENT WIRELESS USERS GROUP**

To: The Commission

Date: May 24, 2002

Before the  
Federal Communications Commission  
Washington, DC 20554

In the Matter of )  
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Petition for Rulemaking to )  
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**COMMENTS TO PETITION FOR RULEMAKING BY THE FEDERAL LAW  
ENFORCEMENT WIRELESS USERS GROUP**

1. The Public Safety Wireless Network (PSWN) Program<sup>1</sup> Executive Committee (EC) respectfully submits these comments in the above-captioned proceeding.

**I. INTRODUCTION**

2. At the outset, the PSWN Program notes the Federal Law Enforcement Wireless Users Group's (FLEWUG) reference to the Public Safety Wireless Advisory Committee (PSWAC) Report, developed at the Commission's direction, which established and still serves as the basic guideline for public safety communications in the first part of the 21st century.<sup>2</sup>

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<sup>1</sup> The PSWN Program is a federally funded initiative operating on behalf of all local, state, federal, and tribal public safety agencies. The Department of Justice and the Department of the Treasury are jointly leading the PSWN Program's efforts to plan and foster interoperability among public safety wireless networks. The PSWN Program is a 10-year initiative that is an effort to ensure that no man, woman, or child loses his or her life because public safety officials cannot talk to one another.

<sup>2</sup> Petition for Rulemaking by the Federal Law Enforcement Wireless Users Group *To Promote Interoperability and Efficient Use of Allotted Spectrum for Public Safety Agencies and Other Measures to Address Communications Needs Through the Year 2010* (FLEWUG Petition), December 7, 2001, at paras 7-8.

3. In a separate Petition for Rulemaking filed prior to that of the FLEWUG,<sup>3</sup> the PSWN Program likewise cited the significant and still relevant findings of the PSWAC in many critical areas. While the PSWN Program notes the significant effort by the Commission during the past 5 years—and particularly in light of issues brought to the forefront by the tragic events of September 11, 2001—to address the needs of public safety communications, the PSWN Program joins the FLEWUG in noting that critical areas of the PSWAC recommendations still require action. For this reason, the PSWN Program is pleased to have the opportunity to add its voice to that of the FLEWUG in a number of these areas.

## **II. PROMOTING FLEXIBILITY OF SPECTRUM USE**

### **A. Licensing**

4. The FLEWUG has recommended that the Commission and the National Telecommunications and Information Administration (NTIA) develop a memorandum of understanding to establish a streamlined system to license nonfederal public safety agencies on designated federal interoperability spectrum to allow flexibility in responding to emergency incidents.<sup>4</sup>

5. The PSWN Program concurs with this position, citing the necessity for all public safety agencies to be able to interoperate on the same spectrum during both crises and in the day-to-day pursuit of homeland security operations. Maximum flexibility for use and access to scarce public safety spectrum, especially in emergencies, by diverse public safety organizations

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<sup>3</sup> See PSWN Program, *Petition for Rulemaking to Promote the Allocation of Spectrum for Public Safety Agencies and Other Matters to Address Communications Needs Through 2010*; dismissed, subsequently entered as Ex Parte Comments on WT Dockets 96-86, 99-168, 00-32, 02-55, and MM Docket 00-39 (PSWN Program Petition), September 14, 2001.

<sup>4</sup> See FLEWUG Petition, at paras 7–8.

or groups representing multiple jurisdictions, would benefit from establishment of memoranda of understanding (MOUs) between local, state, federal, and tribal users. By modifying its Rules, the Commission can encourage these agreements as an accommodation to public safety that will bypass formal licensing requirements when time is of the essence. As it has in previous proceedings over the years, the PSWN Program stresses that co-equal access between and among users at all levels of government will be an essential component of nationwide interoperability.<sup>5</sup> The events of the past year have made this longstanding objective even more pressing.

## **B. Incident Command System**

6. In conjunction with this licensing process, the FLEWUG has concurrently urged the Commission to adopt the Incident Command System (ICS), noting its benefits, “as a flexible, scalable tool for setting up a communications structure to manage public safety operations in emergencies and for prioritizing necessary functions for a coordinated and unified response, especially among multiple agencies in a large-scale incident.”<sup>6</sup>

7. The PSWN Program likewise endorses the adoption of the ICS by the Commission for incorporation into its Rules. In connection with its goal of facilitating interoperability, the PSWN Program stresses the important role that Regional Planning Committees (RPC), with the advice and support of the State Interoperability Executive Committees (SIEC) or equivalent entities charged with interoperability coordination, must undertake in developing an overall ICS communications plan.<sup>7</sup> The ICS enjoys a more than 25-year record of successful nationwide and international implementation. Since the FLEWUG Petition was filed, the PSWN Program’s own

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<sup>5</sup> See, e.g., PSWN Program Ex Parte Comments regarding the Commission’s First Report and Order, *In the Matter of The Development of Operational, Technical, and Spectrum Requirements for Meeting Federal, State, and Local Public Safety Agency Communication Requirements Through the Year 2010*, WT Docket 96-86, January 13, 2000, at paras 8–11.

<sup>6</sup> See FLEWUG Petition at paras. 9–14.

<sup>7</sup> *Id.* at para. 13.

findings have reinforced the success of using a pre-established ICS plan in Washington, DC, immediately following, and for several days after, the terrorist attack on the Pentagon on September 11, 2001.<sup>8</sup>

### **III. MANDATING STANDARDS**

#### **A. Interoperability Standard**

8. Citing the PSWAC recommendations for a baseline interoperability standard, the FLEWUG has recommended that the Commission and NTIA adopt Project 25 as the digital interoperability standard for all public safety spectrum below 512 megahertz (MHz) using guidelines similar to those already established by the 700 MHz interoperability channel plan.<sup>9</sup> In endorsing Project 25, the FLEWUG has identified four critical benefits of supporting this single open technology standard, i.e., promoting cooperation among manufacturers, development of specialized features for the public safety community, creating a competitive environment with multiple sources, and eliminating the use of bridges and other stopgap measures to enable communications between agencies using different equipment.<sup>10</sup>

9. The PSWN Program, citing the experiences of local, state, federal, and tribal public safety agencies of all sizes and types, across the varying geography of the Nation, concurs with the FLEWUG on each of these four points. The PSWN Program believes that a digital standard is necessary to allow all public safety entities to move forward with modern technology that permits compatibility with newer systems and promotes efficiency of spectrum usage, including

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<sup>8</sup> See *Answering the Call: Communications Lessons Learned From the Pentagon Attack*, Report of the PSWN Program, January 2002, at p. 18.

<sup>9</sup> See FLEWUG Petition at paras. 15–17.

<sup>10</sup> *Id.* at para. 16.

eventual migration to a 6.25 kilohertz (kHz) channel.<sup>11</sup> At the same time, the PSWN Program is mindful of the need to maintain backward compatibility with analog legacy systems of smaller local and tribal public safety agencies. In many cases, these agencies cannot afford near-term transition to digital equipment and must be able to rely on their analog systems indefinitely.<sup>12</sup>

## **B. Receiver Standards**

10. Lastly, the FLEWUG has raised the longstanding arguments that it and other key stakeholders in the public safety community, including the Association of Public-Safety Communications Officials—International (APCO) and the Commission’s own Public Safety National Coordination Committee (NCC), have raised in urging the Commission to institute receiver standards to prevent harmful interference with public safety equipment from commercial services on adjacent bands.<sup>13</sup> The PSWN Program has long been an advocate of receiver protection standards for public safety equipment<sup>14</sup> and joins the FLEWUG in reminding the Commission of the importance of these standards’ to ensure reliable public safety communications.

11. In conclusion, the PSWN Program notes that the FLEWUG has cited the well-documented conclusions of the NCC regarding the necessary standards for receiver equipment, specifically, for sensitivity, selectivity, dynamic range, and durability characteristics.<sup>15</sup> The PSWN Program concurs with the FLEWUG regarding the applicability of such standards for equipment operating in the 700 MHz band, to equipment operating below 512 MHz.

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<sup>11</sup> See PSWN Program Petition at paras 34–35.

<sup>12</sup> *Id.* at paras. 36–37.

<sup>13</sup> See FLEWUG Petition at para. 18.

<sup>14</sup> See PSWN Program Petition at paras. 38–39.

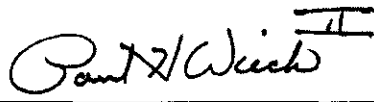
<sup>15</sup> See FLEWUG Petition at para. 19.

Referencing the ongoing efforts of Telecommunications Industry Association (TIA) Working Group TR-8, along with the NCC, to develop these standards, and efforts of the NTIA to ultimately update Federal Government receiver standards, the FLEWUG has urged the Commission to adopt industry receiver standards for all equipment operating on all public safety spectrum below 512 MHz, both for interoperability and for general use.<sup>16</sup> Citing as it has before the position of “zero tolerance” to interference for any extent or to any duration as defined by the National Public Safety Telecommunications Council (NPSTC)<sup>17</sup> as the only viable solution to protect life and property, the PSWN Program is convinced that the FLEWUG’s recommendation is simply the only available option given the current state of standards development.

#### IV. CONCLUSION

12. The PSWN Program commends the efforts of all commenters in this proceeding and respectfully requests the Commission to consider carefully the program’s positions herein submitted on many of the comments made by others.

Respectfully submitted,



Brigadier General Paul H. Wieck II  
Iowa Army National Guard  
Chair, PSWN Executive Committee  
Spectrum Working Group



Steven Proctor  
Executive Director,  
Utah Communications Agency Network  
Executive Vice-Chair,  
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<sup>16</sup> *Id.* at para. 20.

<sup>17</sup> *See* PSWN Program Petition at para. 41.



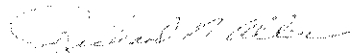
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Washington, DC 20554

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Agencies and Other Measures to Address	)	
Communications Needs Through the Year 2010	)	

I, Richard N. Allen, Senior Associate, Booz Allen Hamilton, 8283 Greensboro Drive, McLean, Virginia, 22102-3838, hereby certify that on this date I caused to be served, by first-class mail, postage prepaid (or by hand where noted) copies of the Public Safety Wireless Network Program's Comments in the matter of *Petition for Rulemaking to Request Amendment of the Commission's Rules to Promote Interoperability and Efficient Use of Allotted Spectrum for Public Safety Agencies and Other Measures to Address Communications Needs Through the Year 2010*, the original of which is filed herewith and upon the parties identified on the attached service list.

DATED at Fair Oaks, Virginia this 24th day of May 2002.



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Richard N. Allen

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